

From: [Denise Zeno](#)
To: [Marla Wieder](#)
Cc: [Mel Hauptman](#)
Subject: Re: Fw: PRIDCO - Access to property - Draft letter to PRIDCO
Date: 02/04/2013 10:21 AM
Attachments: [PRIDCO site access to vacant land adjacent to Former Eaton PRIDCO Park SR 103.pdf](#)

Good Morning, Marla!

On this instance, we are not requesting access to sample a PRIDCO property but access to use a PRIDCO owned area for staging purposes.

I requested authorization to use a parking space within a PRIDCO building for the staging area. We need an area kind of a "command post" called by the contractor a 'staging area', which is a place to work and leave vehicles with equipment that will be used during the initial stage of the RI which will last till the end of this year.

PRIDCO gave us immediate access to the first chosen area (see attached letter). However, once in the field the area was not suitable for our purposes due to the lack of power supply (electrical posts are far away) and security concerns. So we asked PRIDCO to grant us permission to relocate the staging area to another building that seems to be more 'secured' and closer to electrical connections. The answer we got from PRIDCO is the 'contract type' document I sent you. The difference between both properties is that the first staging area was technically public lands within the Ind. Park. Now they are allowing us to use the parking space of one of the PRIDCO's vacant buildings for the staging area. Now they want a certificate of liability and certainty that we are going to use the property following 'tenants' rule.



Denise Zeno
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▼ [Marla Wieder---02/01/2013 04:50:15 PM---From: Marla Wieder/R2/USEPA/US To: Denise Zeno/R2/USEPA/US@EPA](#)

From: Marla Wieder/R2/USEPA/US
To: Denise Zeno/R2/USEPA/US@EPA
Cc: Mel Hauptman/R2/USEPA/US@EPA
Date: 02/01/2013 04:50 PM
Subject: Fw: PRIDCO - Access to property - Draft letter to PRIDCO

Hey guys,

Attached is a draft letter to PRIDCO & standard access form, based upon the San German letter/form but pulling a few Cabo details from one of our old access letters.

I would like the property info & the few other details I didn't have handy & send it to your contact via email & regular mail.

I would also include the signed San German access forms & tell him that we are not a private entity and there are a lot of requirements in PRIDCO's draft agreement that the federal gov't cannot and does not agree to. We have a simple, standard access form that we use at all Superfund sites (including San German) and our contractors are fully insured (and they will receive copies of that insurance).

The reality is if that does not work for them I could call their attorney in NY. If we cannot work it out through him, we could issue an access order. It would be a big waste of time considering we are asking for access to a parking lot but we have the authority.

Have a restful weekend!

I will be in the office on Monday.

Best,
Marla

Marla E. Wieder
Assistant Regional Counsel / ORC Intern Coordinator
Office of Regional Counsel
U.S.E.P.A., Region 2
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-----Forwarded by Marla Wieder/R2/USEPA/US on 02/01/2013 04:39PM -----
To: Denise Zeno/R2/USEPA/US@EPA, Hauptman.Mel@EPA.GOV

From: Marla Wieder/R2/USEPA/US
Date: 01/31/2013 06:49PM
Subject: Fw: PRIDCO - Access to property - San German approach

Here's what Bev used in San German in 2011 - - let's use that approach. Their doc's are terrible.
I'll work on it tomorrow & shoot you a draft.

Best,
Marla
:)

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----- Forwarded by Marla Wieder/R2/USEPA/US on 01/31/2013 06:47 PM -----

From: Beverly Kolenberg/R2/USEPA/US
To: Marla Wieder/R2/USEPA/US@EPA
Date: 01/31/2013 06:42 PM
Subject: Re: Fw: PRIDCO - Access to property - hold harmless clause

We did a series of letter and attached agreements. I am attaching the only one of them that I could find for Pridco.

(See attached file: access agreement Digital-PCB Horizon site.doc)

Marla Wieder---01/31/2013 06:05:55 PM---Perfect! I'm using those! Do you have one of them in Word you could send me?

From: Marla Wieder/R2/USEPA/US
To: Beverly Kolenberg/R2/USEPA/US@EPA
Date: 01/31/2013 06:05 PM
Subject: Re: Fw: PRIDCO - Access to property - hold harmless clause

Perfect!

I'm using those! Do you have one of them in Word you could send me?

Thanks!

Marla E. Wieder
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Beverly Kolenberg--01/31/2013 04:11:47 PM---Pridco signed the attached, I guess it depends on who is involved. From: Marla Wieder/R2/USEPA/US

From: Beverly Kolenberg/R2/USEPA/US
To: Marla Wieder/R2/USEPA/US@EPA
Date: 01/31/2013 04:11 PM
Subject: Re: Fw: PRIDCO - Access to property - hold harmless clause

Pridco signed the attached, I guess it depends on who is involved.

[attachment "PRIDCO Access 3 forms Signed.pdf" deleted by Marla Wieder/R2/USEPA/US] [attachment "PRIDCO Access Signed.pdf" deleted by Marla Wieder/R2/USEPA/US]

Marla Wieder---01/31/2013 03:43:51 PM---If anyone has recently worked out a simple access agreement/access letter w/ a private party, could

From: Marla Wieder/R2/USEPA/US
To: Douglas Fischer/R2/USEPA/US@EPA, Carr.Brian@epa.gov, Lauren Charney/R2/USEPA/US@EPA, Leilani Davis/R2/USEPA/US@EPA, Carol Berns@EPA, Mitchell Cohen@EPA, Beverly Kolenberg/R2/USEPA/US@EPA
Cc: Denise Zeno/R2/USEPA/US@EPA, Hauptman.Mel@EPA.GOV
Date: 01/31/2013 03:43 PM
Subject: Fw: PRIDCO - Access to property - hold harmless clause

If anyone has recently worked out a simple access agreement/access letter w/ a private party, could you pls send it my way.

Naturally PRIDCO wants to add a 'hold harmless clause' to an access letter (we only need access to their property (a parking lot) for a limited time for some sampling).

6. EPA shall indemnify and hold PRIDCO harmless from any and against all suits, claims and complaints of any kind and nature resulting or related to the use of the Property by EPA, its agents, contractors and/or employees.

My understanding is that we never agree to that & the most we'll say is essentially the insurance language we use in our access forms:

I understand that EPA requires its contractors to maintain comprehensive vehicle liability insurance and comprehensive general liability insurance for bodily injury, death, and loss or damage to property or third person, arising from the activities of its contractors.

Thanks,

Marla

----- Forwarded by Marla Wieder/R2/USEPA/US on 01/31/2013 03:34 PM -----

From: Denise Zeno/R2/USEPA/US
To: Marla Wieder/R2/USEPA/US@EPA, hauptman.mel@epa.gov
Date: 01/28/2013 07:55 AM
Subject: PRIDCO's "CONTRACT-LIKE. letter for your review

Good morning!
PRIDCO added an Addendum to the original letter charged with legal lingo.
Please advise.

Denise Zeno
US Environmental Protection Agency
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Tel: 212.637.4319
Fax: 212.637.3083

-----Forwarded by Denise Zeno/R2/USEPA/US on 01/28/2013 07:51AM -----

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To: Denise Zeno/R2/USEPA/US@EPA, "wider.marla@epa.mail.epa.gov"
<wider.marla@epa.mail.epa.gov>
From: Karen Fornés Pérez <Karen.FornesPerez@pridco.pr.gov>
Date: 01/25/2013 10:10AM
Cc: Joel Meléndez Rodríguez <Joel.Melendez@pridco.pr.gov>, "Jorge L. Morales"
<Jorge.L.Morales@pridco.pr.gov>, "delanof@cdmsmith.com" <delanof@cdmsmith.com>
Subject: Letter (CaboRojo)
=====

Hello:

As requested, attached you will find the authorization letter (English version) for the parking lot use. I am sending this letter by mail for your acceptance signature. Please return.

Regards,

Karen Fornés [attachment "cabo_rojo_access_2013.doc" deleted by Denise Zeno/R2/USEPA/US]